

**CONDITIONS FOR AUTHORIZATION UNDER THE NJPDES
DISCHARGE TO SURFACE WATER
GENERAL PERMIT FOR SWIMMING POOL DISCHARGES (NJ0128589)**

The New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Surface Water (DSW) General Permit for Swimming Pool Discharges authorizes the discharge of water containing de minimis amounts of pollutants as specified below, without the submittal of a NJPDES permit application or request for authorization and without an individual permit or other written notification of authorization from the Department of Environmental Protection (Department), as of the effective date of this general permit. A de minimis discharge of pollutants for purposes of this general permit is defined as water, which complies with all of the conditions, specified in this permit. The entity responsible for the work, which results in a discharge authorized by this permit, is required to certify that the proposed discharge(s) will comply with all of the conditions of this permit. The certifying entity must maintain a copy of this certification on-site and where it is impractical to maintain on-site, must provide a copy to the Clerk of the municipality where this discharge activity will occur or occurs. However, no submittal to the Department is required. Conditions for discharges authorized by this general permit are further specified below. Questions or comments regarding this permit should be directed to Jim Grob of the Division of Water Quality at (609) 292-4860.

PURPOSE AND SCOPE

The New Jersey Water Pollution Control Act (N.J.S.A.58:10A), also known as the state Clean Water Act, requires that all discharges of pollutants into waters of the state be in conformance with a valid NJPDES permit. This permit has been developed to authorize discharges to surface water which are essentially clean yet may contain detectable levels of regulated pollutants. These discharges are not directly associated with industrial processes, site remediation activities or sanitary sewerage systems, and are of a temporary, short-term, non-continuous nature, yet require regulation by the Federal and State statutes and regulations, in accordance with 33 U.S.C. 1251 *et seq.* at 1972 P.L. 92-500, the Federal Water Pollution Control Act as amended (the federal Clean Water Act), N.J.S.A. 58:10A *et seq.*, and N.J.A.C. 7:14A 1.1 *et seq.* The Department has determined that these types of discharges are appropriately controlled under a general permit, and is issuing this general permit in accordance with 40 CFR §122.28 and §123.25 and N.J.A.C. 7:14A-6.13, thereby exempting this class of discharges from obtaining individual NJPDES/DSW permits. These types of discharges are similar in nature because of their low probability of containing pollutants (other than the pollutants specified below), the relatively infrequent nature of the discharge, and the relatively low concentration of pollutants present in the discharges. Pollutants that may be present in these discharges are specified below and include filterable or dissolved solids, suspended solids, and chlorine and chlorine related compounds. This General Permit requires that these discharges be subject to Best Management Practices (BMPs) to minimize if not eliminate any environmental impact that may otherwise result from the discharge. This permit operates under the premise that if appropriate BMPs are implemented prior to discharge; no negative or negligible environmental impact should result from the discharge. If appropriate BMPs are not employed and the discharge causes adverse environmental impacts to the receiving waters, the discharge is in violation of this permit and the entity authorizing the activity and certifying compliance with the requirements of this general permit.

There are no requirements to file with the Department in order for a discharge to be authorized by this permit. The company or entity conducting the activity which will result in a surface water discharge to be authorized by this permit must execute a certification stating that the discharge will comply with all applicable conditions of this permit, in addition to providing specific information about the discharge itself. This certifying agent will also be responsible for ensuring that the discharge meets all applicable requirements of this general permit during the discharge event. (Specific information regarding the required certification is found in Section C of this permit. Certification forms are available from the Division of Water Quality.) The company or entity authorizing the work must maintain the original copy of the certification. A copy of this certification must be maintained on site during the discharge event. Where it is not practical to keep a copy on site, a copy must be maintained in the business office of the certifying agent and provided to the clerk in the town or municipality where the discharge activity is occurring.

The discharges from the draining of and filter backwash from municipal, commercial, or other non-residential swimming pools which use chlorine may be eligible for authorization by this permit:

Discharges eligible for authorization under this permit may be discharged to all surface waters of the State of New Jersey (State), directly and via storm sewers, except for waters categorized as FW1, as defined in N.J.A.C. 7:9B-1.15.

Scheduled multiple short-term discharges occurring over a period of time are eligible for authorization under this permit. In these instances the Department requires the certification to include a schedule of occurrence of all of the discharges. If a discharge cited above exceeds a short-term nature due to unforeseen circumstances and it becomes necessary to extend the duration of the discharge, the certifying agent may submit a written request to the Department for a determination of eligibility to be authorized by or to continue to be authorized by this permit.

The Department may authorize other (multiple) discharges that are short-term in nature but which will occur over a period of time under this general permit upon written approval. The agent should submit a request to the Department to be authorized under this permit and include an estimated discharge schedule. Other similar types of planned, non-continuous short-term discharges may qualify for coverage under this permit on a case-by-case basis based upon individual written approval by the Department.

Discharges resulting from filter backwash operations (other than swimming pools using chlorine) are required to obtain authorization under another general or individual NJPDES permit. Questions regarding discharges, which are similar to the discharges, listed above but which are not specified, or questions regarding the eligibility of any discharge by this general permit, should be directed to the Division of Water Quality at (609) 292-4543 so that a permit determination can be made.

Incidental discharge to ground waters of the State which may result from a discharge authorized by this permit, such as from overland flow on the way to the storm sewer or surface water conveyance, are also authorized under this general permit.

EXCLUSIONS

Discharges **specifically excluded** from authorization under this permit include:

- all discharges of industrial process wastewater including contact and non-contact cooling water,
- sanitary sewer flushing,
- discharges from domestic, publicly or privately owned, and industrial treatment works (except for potable water storage tank overflow),
- combined sewer overflow,
- sanitary sewer overflow,
- all stormwater discharges,
- discharges associated with site remediation activities, including water from well construction and development,
- contaminated water from monitoring well construction and development or capping,
- discharges from water and wastewater treatment system bench scale and pilot testing,
- discharges resulting from filter backwash operations (except from swimming pools meeting the requirements set forth in this permit),
- draining of and filter backwash from municipal, commercial, or other non-residential swimming pools which use pool chemicals other than chlorine,
- water used to clean and rinse storage tanks, natural gas pipelines, or other vessels,
- contaminated waters resulting from construction dewatering activities,
- discharges resulting from water main breaks and water distribution system infrastructure failures, and
- emergency discharges of polluted waters.
- dewatering from construction activities from commercial industrial development such as gasoline stations, auto repair shops, brownfields development, etc.

A. GENERAL CONDITIONS

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgment of the New Jersey Department of Environmental Protection such revocation, modification or change is deemed necessary.
2. The issuance of this permit shall not be deemed to affect or restrict in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. This permit does not waive the requirement to obtain other Federal, State or local government consent or approvals when necessary. No work shall be undertaken until such time as all other required approvals and permits have been obtained. This permit does not grant permission to use publicly or privately owned storm sewers or conveyances.
4. The Department reserves the right to require the certifying agent to apply for an individual or other general NJPDES permit if deemed appropriate, or the certifying agent may request exclusion from coverage under this general permit by applying for an individual or other general NJPDES permit.
5. Representatives of the Department shall have the right to enter and inspect any area associated with a discharge authorized under this permit.

B. WATER QUALITY REQUIREMENTS

1. The discharge shall not contain toxic pollutants in toxic amounts, as defined under 33 U.S.C. 1251 et seq., the Federal Water Pollution Control Act, or N.J.S.A. 58:10A-1 et seq., the New Jersey Water Pollution Control Act, or other pollutants, including temperature and pH, in mass, concentration, or other measures of degree which could cause adverse impacts or be detrimental to the natural aquatic biota, or which could cause instream exceedances of applicable Federal or New Jersey Surface Water Quality Standards criteria (N.J.A.C. 7:9B-1.14 et seq.) of the receiving water.
2. The discharge shall not cause or result in erosion to the area of the discharge or the surrounding stream banks. Adequate dewatering structures and velocity dissipation devices should be used when necessary to prevent and minimize erosion, stream scouring, and increases in turbidity or any other potential damage to the receiving waters and its environs. Dischargers may refer to "Standards for Soil Erosion and Sediment Control in New Jersey", as promulgated by the State Soil Conservation Committee and N.J.A.C. 2:90-1.3 et. seq. In addition, the regional Soil Conservation District office (organized by county) may be contacted for guidance on soil erosion control.
3. The discharger shall take into account the conveyance capacity of the discharge outlet structure and/or conveyance structure prior to discharge and shall manage or control the flow of the discharge accordingly. The discharge shall not cause or create downstream flooding conditions.
4. The discharge shall not contain any scum, foam or other residual matter.
5. The following pollutant-specific guidelines and requirements shall be employed, when necessary, to comply with the terms of this general permit. Best Management Practices (BMP) appropriate to the type of discharge shall be employed at all times.

Suspended Solids

The discharger shall minimize the amount of suspended solids or turbidity in the discharge to the maximum extent practical. If the discharge contains suspended solids, BMPs shall be utilized to reduce or eliminate the levels prior to discharge to receiving waters. These BMPs can include everything from increased retention time up to and including filtration devices (such as hay bales).

Other Solids

There shall be no discharge of floating solids in other than trace amounts. The discharger shall use appropriate BMPs to eliminate floating debris, floatable or settleable solids, including construction or maintenance-related dirt, rust, or scale present in the waters prior to discharge.

Chlorinated Discharges

The discharger shall take measures to reduce or eliminate any residual chlorine contained in the discharge. Swimming pool water may only be authorized under this permit if the level of chlorine has been effectively dissipated or reduced to prevent deleterious impacts to aquatic life or degradation of the surface water quality of the receiving waters. Contained chlorinated discharges (e.g., swimming pool water) shall be retained, after receiving the last dosing of chlorine, for a minimum of seven days, (or until such time that analysis indicates the level of chlorine to be non-detectable,) such that the chlorine level is reduced or dissipated through aeration or other means, prior to discharging these waters. A pool chlorination kit can be used to confirm that there is no detectable level of chlorine in the water prior to discharge.

Swimming Pool Filter Backwash

Only swimming pool filter backwash that meets all applicable requirements of this permit, including those set forth in this paragraph, are authorized by this permit. Whenever possible, discharges of swimming pool filter backwash shall be directed to the sanitary sewer. If disposal into a sanitary sewer system is not an option, the following measures must be taken prior to discharging the filter backwash into a storm sewer or to a surface water body. The swimming pool filter water shall be retained, until such time that the chlorine has dissipated, prior to discharging. The water used to backwash the filter should also be retained or discharged over a grassy area so those solids settle out and can be removed or are filtered out prior to discharging the water. Solids, residue, or sediment shall not be discharged to a waterway and shall be removed (i.e., discharged to a publicly owned treatment works (POTW), disposed of as solid waste, etc.) prior to discharging the filter backwash water to the receiving waterbody.

C. CERTIFICATION BY AGENT

1. The company or entity authorizing the activity which will result in the discharge to be authorized by this permit, must designate an agent. The agent will be responsible for ensuring that the discharge complies with all applicable requirements of this permit and must certify this compliance in writing.
2. A certification legally executed by the designated agent shall be maintained by the entity authorizing the work. A copy of the certification shall be kept on site. Where this is impractical, a copy shall be kept at the business office of the designated agent and a copy of this certification should be sent to the clerk in the town or municipality in which the discharge will occur. (The discharger is not required to submit a copy of the certification to the Department.) This certification shall be available so that it may be provided to a Department representative, or other person or persons, upon request. The certification shall contain all of the following information (printed or typed):
 - a) Name of entity authorizing the work (company, town or municipality) resulting in the discharge to surface water. Name and title of a principal officer in the company or of a specified official in the town or municipality other than the designated agent and the business address and telephone number of same;
 - b) Name and title of designated agent, affiliation, address and telephone number;

- c) The scheduled date(s) of the discharge event(s);
- d) Source of the water being discharged (e.g., filter backwash, pool draining) and nature of the discharge;
- e) approximate quantity or flow rate, as appropriate, of the discharge;
- f) approximate duration of the discharge;
- g) location(s) (street name(s) or street address (as appropriate), municipality, and county) of the discharge;
- h) the receiving waters to which the discharge is directed, including the method of transport (i.e., via storm sewer, ditch, tributary, etc.); and
- i) Best Management Practices to be used (including any chemical dechlorination agents).
- j) The certification shall state specifically: "I, the undersigned, certify under penalty of law that the information provided in this document is true, accurate and complete. I maintain full responsibility for this discharge and its compliance with all applicable requirements as set forth in the NJPDES/DSW General Permit for Swimming Pool Discharges, NJ0128589. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment. I certify that Best Management Practices appropriate to the discharge have been employed. I have no prior knowledge which would deem this discharge ineligible for coverage under this permit." The certification shall be signed and dated both by the designated agent and by the person listed above who is representing the entity authorizing the work.

Certification forms are available from the Division of Water Quality.

3. If this certification is not made as specified above, or cannot be produced upon request of a Department or other government or jurisdictional representative, the discharger may be subject to enforcement actions. The certifying agent should maintain the certification for 90 days following the last discharge event authorized by this certification pursuant to this general permit.
4. The Department reserves the right to require the discharger to cease discharging and obtain an individual or other general NJPDES permit or to utilize other alternate disposal methods. The Department reserves the right to enforce all applicable NJPDES regulations should there be a suspected or confirmed violation of the conditions of the General Permit for Swimming Pool Discharges or of the Federal or New Jersey Water Pollution Control Act. Discharges which are not conducted in accordance with all applicable conditions of this permit and

which therefore may result in adverse environmental impacts, including, but not limited to, a fish kill, may subject the authorizing entity to enforcement actions, including penalties.